

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: Louise J. Monger  
Elkton, VA 22827

File Number 2007-02374  
License Number 0225048440

**CONSENT ORDER**

Respondent Louise J. Monger ("Monger") recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Board ("Board"), as well as by all other applicable Virginia laws.

Monger knowingly and voluntarily waives any proceedings for this matter under the Administrative Process Act, §§ 2.2-4019, 2.2-4020, and 2.2-4021 of the 1950 Code of Virginia, as amended.

**Board's Regulations provides:**

18 VAC 135-20-155. Grounds for disciplinary action.

The board has the power to fine any licensee, and to suspend or revoke any license issued under the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, and this chapter where the licensee has been found to have violated or cooperated with others in violating any provision of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, Chapter 1.3 (§ 6.1-2.19 et seq.) of Title 6.1 of the Code of Virginia or any regulation of the board. Any licensee failing to comply with the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the Real Estate Board in performing any acts covered by §§ 54.1-2100 and 54.1-2101 of the Code of Virginia may be charged with improper dealings, regardless of whether those acts are in the licensee's personal capacity or in his capacity as a real estate licensee.

***Historical Notes:***

*Derived from Virginia Register Volume 19, Issue 12, eff. April 1, 2003.*

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

By signing this Consent Order, Monger acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Monger consents to the following term(s):

Count 1:	18 VAC 135-20-290.2	\$150.00
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SUB-TOTAL (MONETARY PENALTIES)		\$150.00
BOARD COSTS		\$150.00
TOTAL		\$300.00

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Monger acknowledges any monetary penalty and/or costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Monger will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in § 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Monger acknowledges that failure to pay any monetary penalty or costs and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Monger's license until such time as there is compliance with all terms of this Order. Louise J. Monger understands the right to have this automatic suspension considered in an informal conference pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

**SEEN AND AGREED TO:**

The undersigned represents and affirms that he/she has the authority to legally bind Louise J. Monger, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Louise J. Monger, shall be bound by its terms and conditions.

Louise J. Monger Aug 24, 07  
Signature Date

LOUISE J. MONGER  
Printed Name and Title

**WITNESSED BY:**

The individual named above signed this document in my presence.

Linda D. Elliott 8/23/07  
Witness Signature Date

Linda D. Elliott  
Printed Name and Title

**SO ORDERED:**

Entered this 20<sup>th</sup> day of September, 2007.

Real Estate Board

BY: Jay W. DeBoer  
Jay W. DeBoer, Secretary  
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**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917**

**REPORT OF FINDINGS**

**BOARD:** Real Estate Board  
**DATE:** June 7, 2007

**FILE NUMBER:** 2007-02374  
**RESPONDENT:** Louise J. Monger  
**LICENSE NUMBER:** 0225048440  
**EXPIRATION:** May 31, 2008

**SUBMITTED BY:** Investigator Carolyn D. Wright  
**APPROVED BY:** Investigations Supervisor Sheon J. Rose

**COMMENTS:**

None.

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Louise J. Monger ("Monger") was at all times material to this matter a licensed real estate principal broker in Virginia (No. 0225048440).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

**BACKGROUND:**

On December 7, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Anthony O'Connell ("O'Connell") regarding Monger. (Exh. C-1)

On August 16, 2006, O'Connell, as seller, entered into an Exclusive Authorization to Sell agreement (Listing Agreement), with United Country Blue Ridge Real Estate, by Richard C. Monger, for the sale of eleven (11) acres located at Montevideo at the foot of Massanutten Mountain, in Rockingham, County, VA. (Exh. C-2)

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1. Board Regulation

18 VAC 135-20-290. Improper dealing.

*Actions constituting improper dealing include:*

2. Offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized representative, or on any terms other than those authorized by the owner or the owner's authorized representative

***Historical Notes***

*Derived from VR585-01-1 §6.10, eff. July 15, 1987; amended, Virginia Register Volume 5, Issue 23, eff. October 1, 1989; Volume 7, Issue 14, eff. May 15, 1991; Volume 8, Issue 13, eff. May 15, 1992; Volume 11, Issue 18, eff. June 28, 1995; Volume 15, Issue 5, eff. January 1, 1999; Volume 19, Issue 12, eff. April 1, 2003.*

***Print Date: September 1, 2004***

**FACTS:**

Paragraph five (5) of the Listing Agreement stipulates, in part, that the "owner hereby authorizes Broker to submit pertinent information concerning the listing of the Property" to any Multiple Listing Service (MLS) to which the broker is a member. (Exh. C-2)

In an Affidavit, received on June 4, 2007, Monger stated that she informed O'Connell at the time of this Listing Agreement that it was "conditioned on obtaining written permission from the adjacent landowner for access to the property". Monger further stated that she included the following terms in the agreement, "There is no access to this property other than receiving permission from adjacent property owner(s)." (Exh. R-2)

On August 28, 2006, Monger advised O'Connell via e-mail that she would not place his property in MLS. Monger stated, "You should understand that A PROPERTY MUST HAVE A WAY OF ACCESSING IT EITHER BY WRITTEN PERMISSION OR BY DEEDED RIGHT OF WAY." (Exh. R-1E)

Monger's actions of offering O'Connell's property for sale on terms other than those authorized by O'Connell, by failing to place the property in the MLS, constitutes improper dealing.